

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC.,

Plaintiff

v.

ALCON LABORATORIES, INC. and ALCON,  
INC.,

Defendants.

)  
)  
) NOTICE OF MOTION TO ADMIT  
) DEREK Y. BRANDT AS COUNSEL  
) PRO HAC VICE  
)

) 1:08-cv-03669-DLC  
)  
)

PLEASE TAKE NOTICE, that upon the annexed affidavit of Derek Y. Brandt sworn to May 16, 2008 and the certificate of good standing annexed thereto, the undersigned will move this court before the Honorable Denise L. Cote at the United States Courthouse for the Southern District of New York, Courtroom 11B at 500 Pearl Street, New York, New York for an Order pursuant to Local Civil Rule 1.3(c) granting Derek Y. Brandt permission to appear as attorney of record for the plaintiff, *pro hac vice*. In support of the motion, the undersigned states that:

1. I am a member of Hanly Conroy Bierstein & Sheridan LLP, 112 Madison Avenue, New York, NY, co-counsel for plaintiffs, am admitted to practice and am a member in good standing of the Bar of this Court.

2. Derek Y. Brandt is a lawyer with the firm SimmonsCooper, LLC, located at 707 Berkshire Boulevard, P.O. Box 521, East Alton, Illinois 62024.

3. Mr. Brandt is a member in good standing of the Bar of the State of Illinois, the United States District Court for the Southern District of Illinois, the United States District Court for the Northern District of Illinois and the United States Court of Appeals, 3<sup>rd</sup> Circuit.

4. An affidavit from the attorney accompanies this application and is attached. A certificate of good standing from the jurisdiction where he is admitted, is issued within the last thirty days as required by Local Rule 1.3(c), is also attached.

5. I respectfully request that given the routine nature of this application, this Court permit this application without an accompanying memorandum of law.

WHEREFORE, I respectfully request that the application for admission of Derek Y. Brandt, attorney for the plaintiff, *pro hac vice*, be granted.

Dated: New York, New York  
May 21, 2008

Respectfully Submitted,

By: 

Andrea Bierstein

[abierstein@hanlyconroy.com](mailto:abierstein@hanlyconroy.com)

HANLY CONROY BIERSTEIN SHERIDAN

FISHER & HAYES LLP

112 Madison Avenue

New York, New York 10016

(212) 784-6403

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC., )  
 )  
 Plaintiff ) 08-CV-03669  
 )  
 v. ) AFFIDAVIT OF SERVICE  
 )  
 ALCON LABORATORIES, INC. and ALCON, INC., )  
 )  
 Defendants. )  
\_\_\_\_\_

STATE OF NEW YORK )  
 : ss.:  
COUNTY OF NEW YORK )

I, Julio A. Lucena, being duly sworn, deposes and says: I am over the age of 18 years and not a party to this action. I am employed with the law office of HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES LLP, located at 112 Madison Ave, New York, NY 10016. On the 28<sup>th</sup> day of May, 2008, I served a true copy of the following:

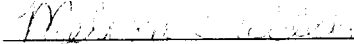
- Notice of motion for admission pro hac vice of Derek Y. Brandt

By First Class Mail, upon:

Harry T. Robins, Esq  
MORGAN LEWIS & BOCKIUS LLP  
101 Park Avenue  
New York, New York 10178

By:   
Julio A. Lucena

Sworn to before me this  
28<sup>th</sup> day of May, 2008

  
Notary Public

Melissa C. Welch  
Notary Public, State of New York  
No. 02WE6121757  
Qualified in New York County  
Commission Expires Jan. 24, 2009

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC.,

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**AFFIDAVIT OF DEREK Y. BRANDT IN  
SUPPORT OF MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

**08-CV-3669-DLC**

State of Illinois

)

)

ss:

County of Madison

)

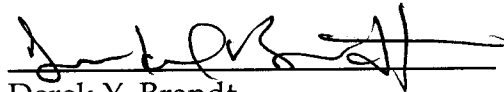
Derek Y. Brandt, being duly sworn, hereby depose and state as follows:

1. I am a partner with the law firm of SimmonsCooper LLC.
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto I am a member in good standing of the Bar of the State of Illinois.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this one case.

Dated: 16 MAY, 2008

Respectfully Submitted,

By:



Derek Y. Brandt  
SIMMONSCOOPER LLC  
707 Berkshire Blvd.  
East Alton, Illinois 62024  
(618) 259-2222 – Phone  
(618) 259-2251 – Fax  
dbrandt@simmonscooper.com

Sworn to and subscribed before me this the 16<sup>th</sup> day of MAY, 2008.



NOTARY PUBLIC

(Seal)

My Commission Expires: 1/2/2011

OFFICIAL SEAL  
Debra E. Dunn  
Notary Public, State of Illinois  
My Commission Expires 1/2/2011

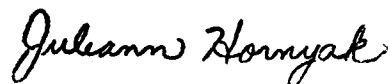
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Derek Yeats Brandt

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 9, 1995 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Tuesday, May 13, 2008.



Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC.,	)	
	)	
Plaintiff	)	<b>[PROPOSED] ORDER GRANTING</b>
	)	<b>ADMISSION TO PRACTICE</b>
v.	)	<b><i>PRO HAC VICE</i></b>
	)	
ALCON LABORATORIES, INC. and ALCON, INC.,	)	1:08-cv-03669-DLC
	)	
Defendants.	)	

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Upon consideration of the Notice of Motion for Admission *Pro Hac Vice* of Derek Y. Brandt, dated May 21, 2008 , and the accompanying Affidavit sworn to on May 16, 2008 it is hereby:

**ORDERED** that, pursuant to Local Civil Rule 1.3(c) of the Local Rules of this Court, Derek Y. Brandt, is hereby admitted *pro hac vice* to the bar of this Court for the purpose of representing plaintiff in the above-captioned proceeding.

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United States District Judge

Dated: \_\_\_\_\_, 2008